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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,764	11/21/2003	Kenneth B. Wagener	5853-340	1454
30448 7590 05/29/2008 AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188				
EXAMINER				
PENG, KUO LIANG				
ART UNIT		PAPER NUMBER		
1796				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication	Application No.	Applicant(s)
	10/718,764	WAGENER ET AL.
	Examiner	Art Unit
	Kuo-Liang Peng	1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 18 March 2008 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☒ disapproved. See explanation below.
- e) ☐ entered in part. See explanation below.

As pointed out by Applicants, Claim 40 is introduced to capture the subject matter of previously withdrawn and subsequently canceled Claim 13 that was subjected to a restriction requirement. As such, the re-capture of the withdrawn/canceled subjected matter after Notice of Allowance is deemed to be improper.

/James J. Seidleck/
Supervisory Patent Examiner, Art Unit 1796